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March 5, 2020

Hon. Jeffrey M. Furman
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square Courtroom 1105
New York, New York 10007

Re: Antolini v. Thurman, et al.
Case No.: 19-CV-9674 (JMF)

Dear Judge Furman:

This firm represents Defendants, 33 Bre Inc., Harold Thurman and Brad Thurman (the "Defendants") in the above matter. We write with respect to Defendants second request for an adjournment of the initial conference.

The Plaintiff, itself requested an adjournment of the initial case conference previously scheduled. This was adjourned at Plaintiff's request from January 29, 2020 to February 26, 2020.

Defendants made their first request for an adjournment of the initial conference from February 26, 2020 to a date now scheduled for March 18, 2020.

During a telephone conversation with Plaintiff's counsel on Thursday, January 30, 2020, Defendants offered as a settlement conference February 20, 2020 at 2:30 pm, the earliest then available date from Judge Fox. Plaintiff's counsel stated while he was available, that he needed to confirm the date with his client. Plaintiff's counsel did not later respond. Defendants' counsel again requested a settlement conference by email on February 13, 2020 on February 25, 2020 and March 2, 2020. On March 2, 2020 Defendants' counsel were advised by Plaintiff's counsel to check Judge Fox's calendar. On so doing, we wrote Plaintiff's counsel on March 3, 2020 that the earliest available dates were May 7 and May 14, 2020. We were advised that the availability of these dates is subject to Plaintiff's availability. On March 4, 2020, by email, Defendants again

requested confirmation of whether May 7 and May 14, 2020 dates were confirmed without response to this request.

Plaintiff's counsel declined the request for an adjournment on March 4, 2020.

The Defendants believe that a settlement conference would be most meaningful and avoid the added expenses of additional discovery. We would request the initial conference take place after the settlement conference. The Court had previously directed by orders dated October 23, 2019, December 18, 2019 and December 20, 2019 that a settlement conference take place prior to the initial Court conference.

The Plaintiff's counsel has served the Plaintiff's First Request for Production of Documents, Plaintiff's Request for Production pursuant to Rule 26(a)(2), Plaintiff's First Set of Interrogatories, Plaintiff's First Request for Fact and Expert Witness Interrogatories, and a Rule 34 Inspection Notice. Likewise Defendants served Plaintiff with similar denominated discovery demands on December 23, 2019. Defendants served their initial discovery responses February 3, 2020. Defendants served supplemental responses February 14, 2020. Plaintiff served initial responses February 13, 2020.

Thank you for your consideration.

Very truly yours,



Robert G. Silversmith

RGS/fc

Application DENIED. The initial pretrial conference is, however, RESCHEDULED to **March 17, 2020 at 3:45 p.m.** The parties are reminded that they must file on ECF no later than Thursday of the week prior to the initial pretrial conference a joint letter, the contents of which are described in the Court's order scheduling the initial pretrial conference, as well as a proposed Civil Case Management Plan and Scheduling Order attached as an exhibit to the joint letter. See ECF No. 9. The Clerk of Court is directed to terminate ECF No. 24. SO ORDERED.



March 5, 2020